

**EVALUATION FINDINGS**  
**FOR THE**  
**NEW HAMPSHIRE COASTAL PROGRAM**  
**MARCH 2000 THROUGH SEPTEMBER 2003**

April 2004

Office of Ocean and Coastal Resource Management  
National Ocean Service  
National Oceanic and Atmospheric Administration  
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## **EXECUTIVE SUMMARY**

### **A. OVERVIEW**

Section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA), requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of the performance of states and territories with federally-approved coastal management programs. This review examined the operation and management of the New Hampshire Coastal Program (NHCP) by the Office of Energy and Planning (OEP) during the period of March 2000 through September 2003.

It is the conclusion of this evaluation that the OEP is successfully implementing and enforcing its federally-approved coastal management program. This document contains one recommendation that takes the form of a Necessary Action that is mandatory and must be completed by the identified deadline, and three Program Suggestions that denote actions OCRM believes the State should take to improve the program, but which are not mandatory at this time.

### **B. SUMMARY OF ACCOMPLISHMENTS**

The evaluation team documented a number of areas where the NHCP improved the management of New Hampshire's coastal resources. These include:

1. **Committed Coastal Leadership and Support**
2. **Issue Integration and Program Coordination**
3. **Financial and Technical Support to Local Governments**
4. **Completion of Program Boundary Expansion Submission**
5. **Full Approval of Coastal Nonpoint Pollution Control Program**
6. **Completion of Incorporation of Statutory Amendments into Program as Routine Program Changes**
7. **Successful Outreach Efforts**
8. **Continued Leadership in the Dredge Management Task Force**
9. **Provision of Additional Funding for Wetlands Enforcement**
10. **Update of Grant Rule**
11. **Continued Success in Wetland and Marsh Restoration**

### **C. SUMMARY OF RECOMMENDATIONS**

In addition to the accomplishments discussed above, the evaluation team has identified areas where the program could be strengthened or improved. These include:

1. **Critical Coastal Program Manager Position**

**NECESSARY ACTION:** Within six months of the date of these evaluation findings, the lead coastal agency must hire or otherwise appoint a full-time coastal program manager who has access to state and lead agency administration on behalf of the NHCP, managerial responsibility for the coastal program, and supervisory responsibility for the NHCP staff. This Necessary Action does not, in any way, identify or impose any conditions with regard to the position level or classification or any salary requirements.

2. **Program Visibility and Outreach**

**PROGRAM SUGGESTION:** The NHCP should continue its efforts to maintain and increase program visibility through its outreach and other activities. Such efforts could investigate new or different mechanisms to produce and print hard copy documents and materials that are made available to the public and need to continue to be distributed in that format (including ways to continue paper production of *Tidelines*) and could produce a shorter, more frequently published electronic newsletter. The NHCP should have a direct link from the OEP website to provide and maintain program visibility.

3. **Planning Commission Interaction**

**PROGRAM SUGGESTION:** With regard to program visibility and outreach as it relates to the planning commissions and coastal municipalities, the NHCP should consider contract requirements for press releases and news notes that acknowledge the role of NHCP in a funded project. The NHCP should also consider hosting or working with the regional commissions to host a conference, event, or information exchange about the grant work and projects being undertaken in the region, with grant recipients providing information about their ongoing or completed projects and the coastal program providing general and specific information, brochures, publications, etc.

4. **Funding to the Department of Environmental Services**

**PROGRAM SUGGESTION:** The NHCP should continually evaluate the CZM funds it annually awards to the Department of Environmental Services, particularly in the areas of basic staff and program support that the state of New Hampshire has an expectation or obligation to fund, regardless of DES' role as a member of the networked coastal program.

## I. INTRODUCTION

Section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA), requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct a continuing review of the performance of states and territories with federally-approved coastal management programs. This document sets forth the evaluation findings of the Director of OCRM with respect to operation and management of the New Hampshire Coastal Program (NHCP) for the period from March 2000 through September 2003. It contains an executive summary of the review findings, a description of the review procedures, a description of the program, major accomplishments during the review period, evaluation findings and recommendations, a conclusion, and appendices.

The recommendations made by this evaluation appear in **bold** type and follow the section of the findings in which the facts relevant to the recommendation are discussed. The recommendations may be of two types:

**Necessary Actions** address programmatic requirements of the CZMA's implementing regulations and of the NHCP approved by NOAA, and must be carried out by the date(s) specified;

**Program Suggestions** denote actions that OCRM believes would improve the program, but which are not mandatory at this time. If no dates are indicated, the State is expected to have considered these Program Suggestions by the time of the next CZMA §312 evaluation.

Failure to address Necessary Actions may result in a future finding of non-adherence and the invoking of interim sanctions, as specified in CZMA §312(c). Program Suggestions that must be reiterated in consecutive evaluations to address continuing problems may be elevated to Necessary Actions. The findings in this evaluation document will be considered by NOAA in making future financial award decisions relative to the New Hampshire Coastal Program.

## **II. REVIEW PROCEDURES**

### **A. OVERVIEW**

The Office of Ocean and Coastal Resource Management (OCRM) evaluation staff began its review of the NHCP in June, 2003. The §312 evaluation process involves four distinct components:

- An initial document review and identification of specific issues of concern;
- A site visit to New Hampshire, including interviews and a public meeting;
- Development of draft evaluation findings; and
- Preparation of the final evaluation findings, partly based on comments from the state regarding the content and timetables of necessary actions specified in the draft document.

### **B. DOCUMENT REVIEW AND ISSUE DEVELOPMENT**

The evaluation team reviewed a wide variety of documents prior to the site visit, including: the federally-approved program document; approval findings; subsequent changes to the program; federal assistance awards; performance reports and work products; official correspondence between the program and OCRM; previous §312 evaluation findings; and other relevant information.

Based on this review and on discussions with the OCRM Coastal Programs Division (CPD) staff, the evaluation team identified the following priority issues:

- Program accomplishments, including changes to the core statutory and regulatory provisions of the NHCP;
- The effectiveness of the state in implementing, monitoring, and enforcing the core authorities that form the legal basis for the NHCP;
- Implementation of the federal consistency process by the Office of Energy and Planning and other networked agencies;
- The manner in which the NHMP coordinates with other state, local, and federal agencies and programs, including regional interagency coordination;
- Effectiveness of the local grant assistance programs to local governments in order to further the goals of the NHCP;

- Public and local participation and outreach efforts; and
- The state's response to the previous evaluation findings dated September 2000.

### **C. SITE VISIT TO NEW HAMPSHIRE**

Notification of the scheduled evaluation was sent to the Office of State Planning and Energy Programs, as the lead agency, relevant federal agencies, and the New Hampshire congressional delegation. The New Hampshire Coastal Program published notification of the evaluation and scheduled public meeting. In addition, a notice of NOAA's "Intent to Evaluate" was published in the *Federal Register* on June 25, 2003.

The site visit to New Hampshire was conducted from September 22 - 24, 2003. The evaluation team consisted of Christine McCay, Evaluation Team Leader, OCRM National Policy and Evaluation Division; Masi Okasaki, Program Specialist, OCRM Coastal Programs Division; and Jeff Willis, Deputy Director, Rhode Island Coastal Resources Management Council.

During the site visit, the evaluation team met with: the coastal program manager and staff, the Office of Energy and Planning director and assistant director, representatives of federal, other state, and local governmental agencies, regional planning commission staff and local government member representatives, academicians, and interest group members involved with or affected by the NHCP. Appendix A contains a listing of individuals contacted during this review.

As required by the CZMA, a public meeting was held on Tuesday, September 27, 2003, at 7:00 p.m. at the New Hampshire Fish and Game Office, Region 3, Meeting Room, 225 Main Street, Durham, New Hampshire, where members of the general public were given the opportunity to express their opinions about the overall operation and management of the NHCP. Appendix B lists persons who attended the public meeting.

Written comments are also accepted. Appendix C contains responses to written comments received in response to the evaluation.

The NHCP staff were crucial in setting up meetings and arranging logistics for the evaluation site visit. Their support is gratefully acknowledged.

## **III. COASTAL PROGRAM DESCRIPTION**

The New Hampshire Coastal Program (NHCP) was approved by the NOAA Office of Ocean and Coastal Resource Management (OCRM) in two phases. The Ocean and Harbor Segment was approved in May 1982 and covers the Atlantic coast from Seabrook to the Portsmouth Harbor line. The Great Bay Segment, approved in September 1988, expanded the program to cover all areas under tidal influence, including the lands that border Great Bay, Little Bay, and several tidal estuarine rivers and wetlands. The NHCP is based on a series of state laws and regulations administered by state agencies, boards, and commissions. The NH Office of Energy and Planning (OEP) is the agency designated to administer this networked program. It is responsible for coordinating the various state agencies responsible for administering the permitting standards and overall policies that make up the NHCP.

The statutorily-designated interagency Council on Resources and Development (CORD) coordinates state policies and resolves interagency conflicts. The membership is comprised of the Commissioners/Directors from the following ten departments: Agriculture; Education; Transportation (DOT); Environmental Services (DES); Resources and Economic Development (DRED); Safety; Fish and Game (F&G); Emergency Management; Public Health Services; and State Planning. As designated by statute, OEP serves as the permanent chair of CORD.

Wetlands in the state had been regulated by the New Hampshire Wetlands Board, an eleven-member panel having jurisdiction over projects to excavate, remove, dredge, fill, or construct a structure in or on the bank of any fresh or tidal surface waters or wetlands in or bordering the state. The Board, which met weekly, was comprised of representatives of eight state agencies (including OEP) and three members of the public appointed by the governor. Wetland regulations, revised in order to streamline the regulatory review and enforcement process, went into effect in August 1996. The Wetland Board has been replaced by an Appeals Council; permit decisions are now made at the staff level. The Council contains a reduced number of State agencies and has representation by private sector development interests. The OEP has retained a seat on the Appeals Council.

The environment of southeastern New Hampshire includes eighteen miles of coastline along the Atlantic Ocean and a total of 131 miles of tidal coastline. The coastal environment can be classified into three distinct types: Atlantic coast; Portsmouth Harbor and Piscataqua River; and tidal estuary. Approximately 60 percent of the Atlantic shoreline (composed of sandy beaches and dunes, rocky shores, and harbors) is owned or managed by the State. The inclusion of tidal wetlands increases state ownership or management of the land within 1,000 feet of the coast to 77 percent. Development is prohibited in the tidal wetland areas, and significant natural habitat protection and open space areas are provided. Most of the State's coastal sand dunes were destroyed through development prior to State regulation. The three remaining dune areas in Hampton Beach and Seabrook have been restored and preserved to provide visual and physical access, and to serve as a buffer against storm surges.

The Portsmouth Harbor and Piscataqua River area is a revitalized urban waterfront made up of shops, restaurants, and historic sites that supports tourism and water dependent industries such as the State-owned commercial fishing pier, port terminal, and private energy facilities.

The Corps of Engineers maintains the only channel in New Hampshire that is navigable by large, ocean-going vessels.

The Great Bay estuary is an inland tidal estuary, surrounded by limited development. The towns of Exeter, Dover, and Newmarket contain historic urban waterfront districts that are undergoing revitalization. The undeveloped portions of the estuarine areas support significant aquatic and terrestrial habitats. The Great and Little Bay estuarine system includes over 800 acres of saltmarsh and covers approximately 17 square miles. It is formed by the convergence of seven rivers: the Salmon Falls, Cocheco, Bellamy, Oyster, Lamprey, Squamscott, and Winnicut. In 1989, the Great Bay was designated a National Estuarine Research Reserve by NOAA, and serves as a long-term natural field laboratory for research and education in support of improved coastal management.

The NHCP is based on sixteen coastal policies, all but one of which have some enforceable authorities, which provide the framework for Federal and State agency actions. Nine core State regulatory and management programs provide the day-to-day protection and management of resources in coastal areas, using over 60 State statutes and involving 19 State agencies. The coastal program policies, described in detail in the program document (July 1988), are as follows:

- |            |   |
|------------|---|
| Policy 1.  | Coastal Resource Protection                           |
| Policy 2.  | Fish and Wildlife Management                          |
| Policy 3.  | Regulation of Offshore/Onshore Sand and Gravel Mining |
| Policy 4.  | Oil Spill Prevention/Cleanup                          |
| Policy 5.  | Conservation of Rare and Endangered Species           |
| Policy 6.  | Preservation of Unique Natural Areas                  |
| Policy 7.  | Enhance Recreation Facilities and Opportunities       |
| Policy 8.  | Preserve the Rural Quality of Great Bay               |
| Policy 9.  | Floodplain Protection                                 |
| Policy 10. | Air Quality Protection                                |
| Policy 11. | Water Quality Protection                              |
| Policy 12. | Energy Facilities Siting                              |
| Policy 13. | Coastal Dependent Uses                                |
| Policy 14. | Dredging and Dredge Spoil Disposal                    |
| Policy 15. | Historic Preservation                                 |
| Policy 16. | Research and Education                                |

The seaward boundary of the NHCP includes all coastal waters between Seabrook and Portsmouth town lines to the three-mile limit of State jurisdiction. The landward boundaries are two-tiered: (1) the first tier provides a wider margin along the Atlantic Coast and around the Bays, and extends 1,000 feet inland along the Atlantic coast. Around Great and Little Bays, this boundary extends to features which effectively separate shoreland from inland areas, which in many cases is more than 1,000 feet inland; and, (2) the second tier includes the larger tidal rivers and the upper reaches of the Piscataqua to the limits of tidal influence, and adjacent areas inland

along estuarine rivers to the limits of the Wetlands Program's jurisdiction. This area is considered to have less direct influence on the coastal zone.

## **IV. ACCOMPLISHMENTS**

### **1. COMMITTED COASTAL LEADERSHIP AND SUPPORT**

The New Hampshire Coastal Program provides outstanding leadership for all the state's coastal efforts. This is evident from the new and continuing initiatives, coordination and integration efforts, outreach and education, technical assistance, and project financial support in which the NHCP has played a leading role and which are discussed in greater detail in the following sections below. The program staff is the heart of this leadership and support.

One of the most illustrative examples of the staff's commitment to the program and the work it conducts occurred just months before the evaluation site visit. A reorganization and restructuring of the New Hampshire Office of State Planning (which is now the Office of Energy and Planning) resulted in operational changes to the NHCP. All of the Concord staff were permanently relocated to the NHCP field office in Portsmouth on very short notice. For the Concord staff, this now means lengthy commutes from their homes in the Concord area. The existing Portsmouth office was physically too small to accommodate all the combined staff; only one phone line was available for all the staff to share; and there was limited internet access. During the course of the site visit, the evaluation team learned that many of the staff had set up new (or used existing) personal e-mail accounts to conduct state business. The program manager postponed his retirement until after the site visit because of his personal and professional commitment to the program and the staff during the evaluation time. Significantly, the manager and staff coordinated and completed much of the logistical planning for the site visit, answered numerous phone and e-mail questions and requests for information from the evaluation team up to the day before the visit, and still conducted daily program business, all within severe operational constraints. Such dedication and commitment may be impossible to measure within a budgetary or administrative performance assessment, but the state of New Hampshire, its citizens, and coastal resources would be the poorer without such people.

The NHCP staff is particularly adept at coordinating activities that are necessary when funding for coastal-related initiatives comes to New Hampshire through the good efforts of the state's congressional delegation, but outside of the annual CZMA funding. The funding is greatly appreciated and allows such excellent projects as the state's Habitat Restoration Initiative and Groundwater Sustainability Initiative to benefit the state's citizens. However, it calls upon the knowledge and expertise of the coastal program staff when their time and work load efforts are already stretched.

The corollary of this situation should be acknowledged when the staff identifies a coastal resource-related problem for which funding is not yet available; based upon their knowledge and expertise they seek creative ways to address the issue. For instance, *Phragmites australis* is a native European grass that is an invasive species with little food value to native wildlife but which out-competes native vegetation, thus displacing native wildlife and more desirable wetland species. Once phragmites has established itself in a wetland, it is difficult to eradicate, yet very desirable to do so to restore historical coastal wetlands and increase biodiversity.

Phragmites is an extreme fire risk because it has a hollow structure and abundant plant material, and it burns with extreme intensity. Because the fires can engulf adjacent inhabited structures, the coastal staff was able to obtain funding from the Federal Emergency Management Agency (not usually a source of funding for natural resource habitation restoration) for a mitigation project to restore native vegetation to five sites with dense phragmites stands in close proximity to existing buildings.

The program's accomplishments could and would not occur without the dedicated, knowledgeable, and highly respected staff comprising the NHCP. Throughout the course of the evaluation site visit, every federal and state agency, regional planning commission, local government, and interest group with whom the team met praised the program staff; and all commented that they could not imagine a particular effort or project being initiated or completed without the NHCP staff's involvement. Such leadership and commitment is very difficult to quantify but is invaluable to the state and to coastal management and should be recognized.

## **2. ISSUE INTEGRATION AND PROGRAM COORDINATION**

The NHCP does an outstanding job of integrating coastal management issues into the state's wide range of environmental regulatory programs and planning efforts. Coordination with other programs whose issues and concerns are related to those of the coastal program is exemplary. For example, the state's Coastal Nonpoint Pollution Control Program (coastal nonpoint program) received full approval from NOAA and the U.S. Environmental Protection Agency (EPA) and has now been incorporated into the activities of the Department of Environmental Services' (DES) Watershed Assistance Program. This completes the circle, because existing DES programs and enforceable policies were vital for the initial development of the coastal nonpoint program. Coordination between the state's Clean Water Act Section 319 program at DES and the coastal nonpoint program continues; staff from both programs meet frequently, and the NHCP funds a DES staff position with coastal nonpoint program monies.

Another example is the integration and close collaboration on brownfields issues and projects. The NHCP administers the New Hampshire Coastal Watershed Brownfields program with funding from the EPA. These funds have been directed toward five underused or abandoned coastal brownfields projects. The DES Brownfields program is a state program to encourage the redevelopment of contaminated properties through provisions that limit the legal liability of owners or prospective buyers. Monies in the state program are available through revolving loan funds. The DES Brownfields program staff advise the NHCP on technical and regulatory issues; there is a close working relationship between both programs, particularly with regard to the five coastal brownfields projects, because both programs and funding sources are vital to the ultimate redevelopment of the project sites.

The NHCP also fosters close program coordination and collaboration with the New Hampshire Estuaries Project (a program of EPA's National Estuary Program) and the Great Bay National Estuarine Research Reserve (NERR). The NH Estuaries Project is physically located in the same office space with the NHCP and both share the same office manager. *Tidelines* is a

joint newsletter of the coastal program and the estuaries project; staff members from each program have gone on to work for the other program. The NHCP and the Great Bay NERR are members of the Natural Resource Outreach Coalition (discussed later in this “Accomplishments” section). Projects funded by all three programs are complementary to other funded projects and to the goals and priorities of the three programs. Volunteer monitoring projects provide data and information to address problems such as nonpoint source pollution, which is also a topic in which the programs are actively engaged in outreach and education. Staff from these programs provide mutual support for such efforts as the annual *State of the Estuary* conference and the annual Coastal Cleanup.

### **3. FINANCIAL AND TECHNICAL SUPPORT TO LOCAL GOVERNMENTS**

The NHCP places a high priority and great emphasis on providing technical and financial tools to local governments for them to ‘do for themselves and the coastal resources,’ rather than for the state deciding what needs to be done for the local governments. During the course of the evaluation site visit, regional planning commission and local government officials acknowledged the support – both technical and financial – from the NHCP; but all indicated the importance of the manner in which the support is provided as well. Funds have been provided on an annual basis to the Rockingham and Strafford Planning Commissions, whose professional staff in turn provide technical assistance to specific communities for specific projects. This technical assistance encompasses land use planning and natural resource protection planning and assists planning boards, conservation commissions and other local boards in the preparation of studies, plans, regulations, and/or ordinances. One community leader wrote that such technical assistance “raised the awareness of these issues among...residents” and “inspired us to take action....It motivated us to pass a \$3 million bond initiative this past March for the protection of open space land.” This is compelling evidence that the NHCP’s goal of providing such technical assistance – to increase and improve the level of planning designed to protect and preserve coastal resources – is being met. Working through the planning commissions also addresses one of the program suggestions from the September 2000 findings which suggested that the NHCP evaluate its provision of technical assistance.

Competitive funds are also provided each year directly to coastal communities and locally based non-governmental organizations to conduct or complete projects that are consistent with the NHCP’s policies and objectives. Almost all address multiple issues, such as the provision of public access and nonpoint pollution control. Typical of these projects (but not all inclusive) are two discussed below that the evaluation team visited and that have been funded since the last NHCP evaluation:

City of Portsmouth Peirce Island Public Access and Stormwater Control: Peirce Island, a 27-acre city-owned island which separates the deep channel of the Piscataqua River from the City of Portsmouth’s historic “South End,” has an abundance of cultural and natural resources ranging from steep rocky cliffs, woodlands, and grassy meadow, to salt marshes and tidal mud flats. The western end of Peirce Island is home to the Portsmouth municipal outdoor pool, two playgrounds, stone dust walking paths, picnic areas, a municipal boat launch, a picnic area, the

state fishing pier and informal foot trails. Because of the lack of formal parking, cars have historically been parked in inappropriate places. This was a particular problem in the two-acre site east of the municipal swimming pool and had resulted in the compaction and erosion of soils into the Piscataqua River. The erosion problem was further exacerbated by the lack of a storm water collection and treatment system. The two-acre site was developed into a 27,465 square foot parking lot (paved, curbed, and landscaped) and provides designated parking for waterfront viewing, fishing, trail access, and the municipal pool. It is tied to a state-of-the art storm water collection and treatment system, which utilizes a relatively new technology called the “Downstream Defender.” This unit has no moving parts and requires no external power source. It removes solids that settle, floatables, oils, and grease from stormwater runoff prior to discharging to the Piscataqua River. The island’s wooded eastern end, while crossed by informal trails, was underutilized from a recreational standpoint. A portion of the island’s eroded northern shoreline (which resulted in soil runoff and sedimentation to the Piscataqua River) was stabilized, and a stone dust path and three waterfront overlooks were developed to improve public access on the island’s eastern end.

Town of Durham Wagon Hill Farm Shoreline and Wetland Restoration Project: The Town of Durham restored approximately 200 feet of shoreline at Wagon Hill Recreation Area. The 100-acre recreational area is used for hiking, sledding, cross country skiing, swimming, fishing, picnicking, boat landing and viewing of Little Bay at the mouth of the Oyster River. As a result of the heavy use of this area, the existing shoreline had been eroded, vegetation was absent, and the bank had been washed away. The project included restoration of the shore, replanting of the tidal area with native species, and provision of access to the shore that preserved the restored shoreline. Paths were created and bridges built over upper tidal brooks to divert traffic away from sensitive areas.

Other competitively funded projects have allowed local governments to conduct studies, develop plans, or compile information and data to deal with issues facing them and the state. The town of Rollinsford completed a wastewater treatment facility upgrade study to evaluate options for modifying or upgrading the facility to meet more stringent discharge limitations and to improve the water quality of the Salmon Falls River. The town of Hampton completed a Hampton Beach Master Plan to provide a basis for decision making about the long-term physical development and future use of the area and plan for the revitalization of infrastructure and protection of natural resources. The city of Portsmouth completed a citywide wetlands inventory that resulted in up-to-date wetland boundary delineation, current GIS data, and a digital orthophoto base for the city.

#### **4. COMPLETION OF PROGRAM BOUNDARY EXPANSION SUBMISSION**

As noted in the Program Description on pages 8 and 9 of these Findings, the existing coastal program boundary was approved in two separate segments and is actually two-tiered.

The first tier provides a wider margin back from the Atlantic Ocean, Great Bay and the lower Piscataqua River than the second tier, which includes only wetlands and banks of the estuarine rivers. The “Atlantic Ocean” coastal boundary from Seabrook to Portsmouth does not meet on its landward side with the landward side of the “tidally influenced areas” and Great Bay and Little Bay coastal boundaries. This leaves a “gap” between the two coastal boundaries. There are 17 coastal towns with tidal shoreline, but none is included in its entirety within the boundaries of the NHCP.

The program Evaluation Findings dated September 2000 noted that it appeared there was sentiment to consider, or at a minimum explore, an expanded boundary. The Findings included a Program Suggestion that the New Hampshire Coastal Program should explore the opportunities and possibilities of an expanded coastal boundary.

Since the time of that previous program evaluation, such review and deliberation has occurred. The NHCP considered the benefits and appropriateness of expanding the inland or landward coastal boundary to be coterminous with the political boundaries of the 17 coastal municipalities (Dover, Durham, Exeter, Greenland, Hampton, Hampton Falls, Madbury, New Castle, Newfields, Newington, Newmarket, North Hampton, Portsmouth, Rollinsford, Rye, Seabrook, and Stratham). The seaward boundary would not be changed.

Several benefits were seen as a result of such an expansion. First, greater predictability would be provided, resulting in less confusion about the exact location of the NHCP jurisdiction. The current boundaries have been challenged in the past when determining the necessity of federal consistency reviews. An expansion to coincide with political boundaries would help prevent such debate. The NHCP could more easily invoke federal consistency regulations in the expanded boundary area with less debate and more certainty. Second, it would allow worthy projects to be funded that are located within a coastal community but are outside the current coastal boundary in the “coastal boundary gap.” Third, it would allow the state and the NHCP to more broadly address **indirect** impacts on coastal waters. When the first segment of the program was approved in 1982 and the second phase in 1988, conventional wisdom held that the closer a use is to the coast, the greater and more significant the impact to coastal waters. However, New Hampshire has recognized that multiple activities not immediately adjacent to shorelines can have significant direct and indirect effects on coastal resources. An expansion of the boundary would allow the NHCP to enhance program management and more broadly address indirect impacts.

Dozens of letters were sent to county planning commissions, coastal municipalities, state and federal agency offices, and two adjacent state coastal programs, describing the proposed action and seeking comments and offering to meet. A public hearing was held on December 11, 2002. Following that, the NHCP determined that a boundary expansion was appropriate and had public and governmental support. The request for a program amendment to New Hampshire’s coastal program was submitted to the Office of Ocean and Coastal Resource Management in late February 2003. At the time of the evaluation site visit, the NHCP was waiting for the OCRM to complete an Environmental Assessment and prepare a Federal Register notice regarding the

program amendment. Following the end of the comment period for the Federal Register notice, OCRM will prepare the Findings of Approvability and the Finding of No Significant Impact.

The NHCP is to be commended for undertaking a major program amendment. Inquiry and analysis, as well as public and governmental sentiment, showed that there was a significant need and support for the expansion, but staff expended considerable effort to complete the administrative process.

## **5. FULL APPROVAL OF THE COASTAL NONPOINT POLLUTION CONTROL PROGRAM**

In October 2001 the NHCP reached an important milestone – the full approval of New Hampshire’s Coastal Nonpoint Pollution Control Program (coastal nonpoint program) by NOAA and the EPA. Findings for New Hampshire’s coastal nonpoint program were issued in November 1997, listing conditions the state had to meet in the areas of: nutrient management; urban new development, site development, construction site erosion and sediment control, and construction site chemical control; siting, design, and construction of roads, highways, and bridges in towns and municipalities; marina operation and maintenance; chemical and pollutant control at dams; protection of surface waters and instream and riparian habitat from the effects of dam operation; and protection of wetlands, riparian areas, and vegetated treatment systems.

The “deficiencies” cited by NOAA and EPA that caused the conditions to be placed on the New Hampshire coastal nonpoint program involved program elements for which the state proposed voluntary or incentive-based programs, backed by existing state enforcement authorities. NOAA and EPA agreed to approve these program elements for all states if the state provided three items: a legal opinion from the state that the existing state enforcement authority could be used to prevent nonpoint pollution and require implementation of management measures; a description of the voluntary or incentive-based program; and a description of the linkage between the implementing agency and the enforcement authority.

New Hampshire was able to provide these necessary items for those applicable conditions. In addition and as part of the information provided to satisfy the conditions, the state developed and promoted a variety of outreach and educational materials, including *Stormwater Management and Erosion Control Handbook for Urban and Developing Areas in New Hampshire*, which describes acceptable best management practices; *Erosion and Sediment Control and Stormwater Management Manual*; and factsheets such as *Soil Erosion and Sediment Control on Construction Sites* and *Impacts of Development on Stormwater Runoff*, which describe BMPs and how stormwater runoff and pollutants can be contained with proper planning, design, and construction. The Office of Energy and Planning and the New Hampshire Department of Environmental Services jointly developed and distributed a BMP brochure describing preferred construction site chemical control practices for limiting the application, generation, and migration of toxic substances on site, ensuring proper storage and disposal of toxic materials and application of nutrients at appropriate rates.

The state and the NHCP can be proud that New Hampshire was the eighth coastal state in the nation to receive full approval of its coastal nonpoint program.

## **6. COMPLETION OF INCORPORATION OF STATUTORY AMENDMENTS INTO PROGRAM AS ROUTINE PROGRAM CHANGES**

The NHCP faced the daunting task of submitting a large backlog of statutory amendments to OCRM as a routine program change (RPC). The last submission of statutory and regulatory amendments was approved by OCRM in 1996, and since then there had been a significant number of changes to New Hampshire laws that are a part of the NHCP. During the early months of 2001 staff began to catalog and cross-reference all the statutory activities since 1995. By August 2001, the NHCP had submitted an extensive RPC to OCRM. However, shortly thereafter the NHCP and OCRM agreed to suspend the OCRM review deadline for the RPC. This was because of the size of the submission itself and because the approval of the coastal nonpoint program in October 2001 resulted in a need to reorganize the RPC references and “pull out” those changes which had been auto-incorporated.

An RPC consisting of legislative changes from 1996 through 2000 was submitted in December 2001. OCRM approved the routine program change updating New Hampshire statutory changes from 1996 through 2000 in January 2002. The NHCP then submitted a second RPC addressing statutory changes from 2001 and 2002. OCRM approved that RPC on September 5, 2003, just prior to the evaluation site visit. Appendix D includes a listing of all approved statutory changes in these two RPCs; these changes now bring the enforceable policies of the NHCP up to date.

## **7. SUCCESSFUL OUTREACH EFFORTS**

For a program of any size, but particularly for one with a small staff, the NHCP has an impressive outreach and education component. The September 2000 Evaluation Findings contained two program suggestions related to this issue: 1) the NHCP should evaluate its overall provision of technical assistance; and 2) the NHCP should continue to support the Natural Resources Outreach Coalition. The program has taken these suggestions to heart and strengthened an already strong program component. One segment of its provision of technical assistance has been discussed above in Section 3 “Financial and Technical Support to Local Governments.”

The program has produced numerous brochures and factsheets on a variety of topics in both paper and electronic formats. *Tidelines*, the joint newsletter of the NHCP and the New Hampshire Estuaries Project, is packed with information about both programs, projects, and coastal issues. The NHCP also maintains a web site populated with a variety of information, materials, and links to other sites of interest.

Program staff are highly involved in the annual Coastal Clean-up and *Coastweeks* activities, and the NHCP is closely identified with those projects. The NHCP has also established

a “Marine Debris Degree” program to increase awareness of and involvement in the problems and solutions associated with the issue of marine debris. Anyone can ‘earn’ a Degree because the activities sponsored and conducted by the NHCP staff are geared to a variety of interest groups – school children, teachers, adults, and volunteer/special interest groups. Examples of the Marine Debris Degree activities include the annual Coastal Cleanup, Adopt-A-Beach, teacher workshops, storm drain stenciling, *Coastweeks* art contest, and Beach Buddies.

A third mechanism by which the staff increases the capacity of its outreach and education is by providing funding to other entities for such activities. For example, the New Hampshire Fish and Game Department developed two articles on coastal resources to appear in the *New Hampshire Wildlife Journal* and two video magazine-style segments broadcast on public television. The Seacoast Science Center received funds from the NHCP to develop and offer education programs to the general public focusing on the Great Bay estuary, rocky shores, salt marshes, the Gulf of Maine, water quality, and fish and wildlife management.

Another extremely successful mechanism to reach out and educate the citizens of New Hampshire is through the program’s collaboration with a variety of groups. Several of the program staff are involved with the Gulf of Maine Council; the NHCP Outreach Coordinator is the co-chairperson of the Gulf of Maine Council’s Education Committee. She also coordinates the “Coastal Education Initiative (CEI),” which is an informal coalition of educators who work to share resources and minimize redundancy in work effort and products. In addition to the NHCP, members in the CEI include such institutions as the Seacoast Science Center, NH Sea Grant, NH Estuaries Project, Aquaculture Education and Research Center, Sandy Point Discovery Center, CICEET/UNH, NH Department of Environmental Services, and others.

Of particular note is the NHCP’s fifth mechanism for very successful collaboration on education, outreach, and technical assistance – its partnerships with the Natural Resources Outreach Coalition (NROC) and the Great Bay Coast Watch. Both collaborative efforts are proof that the outcome and output is greater than either group could provide alone.

Natural Resources Outreach Coalition: As the 2000 Evaluation Findings noted, the NROC was at that time a relatively new partnership that grew out of an outreach committee the NHCP had convened to coordinate natural resource programming for municipalities. The NROC is made up of representatives of the NHCP, the University of New Hampshire Cooperative Extension, the New Hampshire Department of Environmental Services, the Great Bay NERR, and the Rockingham and Strafford Planning Commissions; the NROC Coordinator is an employee of the UNH Cooperative Extension.

The emphasis and goal of NROC is to support communities facing growth by helping them understand the impacts of growth on natural resources and to work with community members (elected officials, municipal staff, various boards and commissions, and interested citizens) to address community-specific natural resource concerns. Currently the program has resources to work with three different communities per year. The NROC has worked with the city of Dover to develop an evaluation tool to prioritize lands for conservation, and to research

zoning ordinance changes; worked with the towns of Barrington, Newmarket, and Newfields to develop Open Space Plans; and has worked with the adjacent towns of Exeter, Newfields, and Stratham in the Squamscott River watershed on natural resource-based planning.

The coastal program has remained committed to the success of NROC, and its participation as a member of the coalition is strong. Funds have been provided to NROC for the development of the Smart Growth Toolkit and for program delivery; NHCP staff are available with expertise in particular resource areas and make presentations or participate in training sessions as necessary. NHCP staff assist most specifically with educating municipal officials about outreach techniques they can use in their own communities.

Great Bay Coast Watch: The Great Bay Coast Watch (GBCW) is an effort of the UNH Cooperative Extension/Sea Grant program. Most of the funding for the GBCW comes from the NHCP and the NH Estuaries Project. NH Sea Grant provides in-kind service and physical space. The mission of GBCW is twofold: to monitor the chemical, physical, and biological systems of the New Hampshire coast and the Great Bay estuary; and to reach out to communities by educating New Hampshire residents about the health status and protection of these natural resources. The Coast Watch uses over 100 volunteers to monitor over 30 sites along the coastline and estuaries. ‘On-dock’ data collection by the GBCW complements ‘in-water’ data collection by the Great Bay NERR. Monitoring data is made available to the NH Department of Environmental Services, which uses the data in its development of the state’s Clean Water Act Section 305(b) report, and to local governments for their use in making informed decisions. The next step for the GBCW is to hold follow-up conferences to showcase the meaning of the data to interested citizens.

The NHCP’s coastal nonpoint program coordinator serves on the Technical Advisory Committee of the Great Bay Coast Watch. In addition to providing general program operational funding, the NHCP has also been providing funds to the GBCW for several years to establish and maintain a phytoplankton monitoring program. These funds are used to monitor for potentially toxic phytoplankton species at a number of sites along the Atlantic Ocean coastline and in the Great Bay and Hampton/ Seabrook estuaries. The data continues to build a database maintained by the GBCW; it is provided to the NHDES, Maine Department of Natural Resources, and the USDA Office of Seafood Safety. The funding is also used for new volunteer recruitment and ongoing public outreach about the impact of toxic phytoplankton.

## **8. CONTINUED LEADERSHIP IN THE DREDGE MANAGEMENT TASK FORCE**

Until July 2001 the New Hampshire Port Authority (Authority) had, in cooperation with the state Department of Resources and Economic Development, a broad mandate to plan, develop, maintain, and use the state’s ports, harbors, and navigable waters. The Authority was one of the networked agencies making up the NHCP and had also assumed the role as lead state agency and advocate for overall dredging activities in state coastal waters. Both the Authority and the NHCP were members of the Dredge Management Task Force, which is an inter-agency working group of state and federal interests formed in 1993 to develop policies, rules, and

guidelines for dredging projects in New Hampshire's coastal waters. The NHCP and the Office of State Planning (now Office of Energy and Planning) have tried for several years with no success to get state approval for a full-time dredging coordinator who could coordinate with and collaborate on the activities of the many local, state, and federal interests in harbor management planning and dredging activities.

The Pease Development Authority (PDA) was created in 1991 with the closure of Pease Base. In July 2001 the state's Port Authority was merged with the PDA and no longer functions as an independent entity. The state's Division of Ports and Harbors is now a subordinate organization in the PDA; the PDA is now a member of the Dredge Management Task Force and is becoming more involved with the development of an overall dredge management plan for New Hampshire coastal waters. The state still does not have a full-time dredging coordinator, but staff of the NHCP serve that function. The Seabrook project is an excellent example of the leadership provided by the NHCP and the Dredge Management Task Force: various user groups were brought together, planning is ongoing to re-establish the natural channel, to protect and manage shellfish resources, and to better preserve access by commercial and recreational vessels. The NHCP continues to be the central force in focusing the complexities of the Seabrook project.

## **9. PROVISION OF ADDITIONAL FUNDING FOR WETLANDS ENFORCEMENT**

The Evaluation Findings dated September 2000 included a discussion about the need for increased monitoring and enforcement of wetlands permitting. In the coastal area, monitoring and enforcement, as well as permitting and permit compliance, were carried out by the Department of Environmental Services (DES) Wetlands Bureau staff of two people. While DES has no regional format and is centralized in Concord, the Wetlands Bureau staff dealing with coastal issues is located in Portsmouth. This staff carried a significantly larger load for its small area than that of the remainder of the DES because of the higher level of development activities in the area and the significance of potential activities on coastal resources. As a result, it was very difficult to provide an adequate level of enforcement, particularly because local code officials and others were able to identify violations, but did not have authority to enforce DES regulations. Therefore, the 2000 Findings included a Program Suggestion that the NHCP should explore additional support for DES Wetlands Division staff in the coast to support enforcement efforts.

Since that time, the coastal program has been providing additional funding to DES for a third enforcement position in the Portsmouth office. This has been a significant help for permit enforcement in the coastal zone.

## **10. UPDATE OF GRANT RULE**

Starting in the summer of 2003, the NHCP began to rewrite its administrative rules for coastal grants. The bulk of the changes clarified scoring/selection criteria that will assist New Hampshire municipalities and other groups in submitting more precise and appropriate grant

applications. Since the conclusion of the evaluation site visit, the NHCP staff has submitted the final version of the rules, which have been approved through the state legislative Rules Committee. Updated rules are now in place and have been included on the NHCP website for the fiscal year 2004 grant cycle.

## **11. CONTINUED SUCCESS IN WETLAND AND MARSH RESTORATION**

According to an article in the March/April 2002 issue of *Wildlife Journal* entitled “Salt Marshes: Restoring New Hampshire’s Coastal Wetlands,” the state of New Hampshire has restored more acres of wetlands than any other coastal state or Canadian province in the Gulf of Maine. The NHCP has been involved in a large number of restoration projects over the years using Section 306A funds, and for the past five years Section 309 funding and staff have also been targeted to restoration activities. Significant dollars also come from other sources, often congressionally “earmarked” funds for specific projects, but the NHCP current staff are able to administer and manage these funds and projects in addition to the Section 306A and Section 309 funded projects. In fact, the NHCP staff are so well respected that the New Hampshire Department of Transportation (DOT) routinely contacts the NHCP about any culvert removals and replacements so that appropriate phragmites removal, restoration activities, etc., might be considered and/or undertaken.

The NHCP has worked to plan, finance, and complete restoration projects with a variety of partners, including local governments, the Natural Resources Conservation Service, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the EPA, the New Hampshire DOT, the New Hampshire DES, the Great Bay NERR, NH Estuaries Project, University of New Hampshire, and Ducks Unlimited. In November 2002, at the Corporate Wetland Restoration Partnership (CWRP) kick-off event, President George W. Bush sent a letter of congratulations to all parties involved in the Little River Salt Marsh restoration project, which involved the restoration of tidal flushing to 170 acres of degraded salt marsh in North Hampton. Restoration partners at Little River Salt Marsh included the NHCP. The partners also accepted an award from Coastal America for the restoration project. The restoration completed by the partners at Little River Salt Marsh is a model for the work envisioned for completion by the New Hampshire CWRP. The successful pattern of partnerships already established in the state is due in large measure because of the leadership of the NHCP.

The NHCP has also been actively involved in the restoration work at Awcomin Marsh in Rye. This project began in November 2001 and is restoring over 30 acres of salt marsh by removing dredge spoils from the maintenance of Rye Harbor decades ago; reestablishing appropriate marsh elevations, and creating a new tidal creek system. Although much of the revegetation will occur naturally by pioneer marsh plants, volunteers have worked to help with some of the revegetation efforts as well.

Another successful but still ongoing restoration project is the Pickering Brook salt marsh in Greenland. The effort’s primary partners are the NHCP, the town of Greenland, Ducks Unlimited, and the University of New Hampshire, in addition to a contractor. Some ditches

originally constructed as part of an aggressive mosquito control program have been plugged while other areas were excavated to greater depths for deep-water habitat areas. Some of these deeper areas have been or will be connected to each other to provide continuous tidal circulation and access for aquatic organisms over larger areas of the marsh surface. Monitoring will continue at the completed restoration areas as well as at a nearby similarly ditched (control) site until after one growing season to help assess the success of the restoration.

Closely tied to the NHCP restoration work are education and outreach activities. The NHCP staff has worked with project partners to develop a New Hampshire Volunteer Saltmarsh Monitoring Program, has prepared a guidebook for salt marsh monitoring volunteers, and has published an excellent “quick reference” field guide of plant and animal species frequently encountered in salt marsh ecosystems. Approximately 20-30 volunteers are being utilized at six restoration sites (both pre- and post restoration) to monitor vegetation, fish, birds, salinity, and water quality. Such activities provide both a learning experience for the volunteers and “free labor” for the partners involved in the restoration to gauge success of the efforts. The NHCP also created a restoration website as a part of the NHCP website.

## V. FINDINGS AND RECOMMENDATIONS

### 1. CRITICAL COASTAL PROGRAM MANAGER POSITION

At the time of the site visit in September 2003, the program manager was planning to retire from the coastal program and state employment in November, 2003. At the time of these findings, he has, in fact, retired. The program manager position is critical in any coastal program, including the New Hampshire program. The manager is the crucial link between the coastal program staff and the administration of the lead agency; he or she is knowledgeable about a state's coastal issues as well as regional and national issues; he or she serves as the state's link with NOAA and other state coastal programs.

As noted in the "Accomplishments" section of this document, the Governor's Office of Energy and Planning is New Hampshire's lead coastal agency and houses the NHCP organizationally. Until recently, the majority of the NHCP staff were located in Concord, with a small presence (two or three people) on the coast in the Portsmouth field office. As a result of reorganization within the (now former) Governor's Office of State Planning, that office is now the Office of Energy and Planning (OEP). All the NHCP staff have been relocated to the program's Portsmouth office. Although the logistical challenges cited in the first portion of the "Accomplishments" section have largely been overcome, the fact is that the coastal program is completely separated by distance from the lead agency administration; and there is no program manager to bridge the gap, both geographically and bureaucratically, between staff in Portsmouth and the administration in Concord. [Since the time of the site visit and during the development of these findings, a staff member of the NHCP has been named as acting program manager, and the state anticipates making a permanent appointment sometime during the summer.] Tapping an existing staff member in OEP as the point of contact with whom the NHCP staff can deal, and tapping an existing staff member in the NHCP as the point of contact with whom the OEP administration can deal, is only a short-term fix.

The coastal program manager has responsibility for policy development and coordination with numerous federal and state agencies; program priority setting and strategic planning; communication with the lead agency, the governor, the legislature, and NOAA; and grants management. The coastal program staff should have a full-time manager who has access to the administration equivalent to other program managers within the lead agency and who can present coastal issues and recommendations to the OEP leadership. The state and the OEP need to know that the coastal program has a manager knowledgeable about all aspects of the state's program, coastal issues and initiatives, the federal coastal program, and other state coastal programs. The coastal program manager position must be filled as quickly as possible.

**NECESSARY ACTION: Within six months of the date of these evaluation findings, the lead coastal agency must hire or otherwise appoint a full-time coastal program manager who has access to state and lead agency administration on behalf of the NHCP, managerial responsibility for the coastal program, and supervisory responsibility for the NHCP staff.**

**This Necessary Action does not, in any way, identify or impose any conditions with regard to the position level or classification or any salary requirements.**

## **2. PROGRAM VISIBILITY AND OUTREACH**

As noted under “ Successful Outreach Efforts” in the *Accomplishments* section of this report, the NHCP has an impressive outreach and education component. However, like almost every other networked state coastal program, the NHCP struggles to retain visibility and a unique identity among the other players in the coastal resources and management arena. Several factors contributed to the program’s successful outreach efforts but are now in transition.

First, *Tidelines*, the joint newsletter of the NHCP and the NH Estuaries Project, has recently ceased production. It provided good, indepth information about a variety of resource and management topics, both programs, funding opportunities, volunteer opportunities, and upcoming events and activities. The current state/OEP procurement process for printing services is now prohibitive. Second, now that the Governor’s Office of Energy and Planning has been reorganized, there are plans to have a single OEP website, and the NHCP website will become a part of that and will not exist as a separate entity. Even at the time of the site visit, the coastal program staff did not have access in Portsmouth to update its own website, but had to rely upon OEP staff in Concord to do so.

To maintain and increase program visibility, there are several steps the NHCP can consider. *Tidelines* could be produced and distributed electronically to a mailing list or could be posted on the website. However, there are people who either cannot receive electronic information or prefer to have a printed version. The NHCP could consider awarding a small grant from the cooperative agreement award for production and printing of *Tidelines* rather than using the state’s process for printing. During the site visit staff discussed, and these findings encourage, the production of an e-newsletter. Such a newsletter could be produced on a more frequent basis and be shorter in length than *Tidelines*; that would allow the NHCP to provide the public with updated information and timely announcements about activity deadlines, etc. Both an e-newsletter and an electronic version of *Tidelines* could also be posted on the website and have links to the website. If the NHCP website is to be subsumed into the OEP website, OEP is encouraged to provide a direct link from its website to the coastal program website. The Portsmouth staff needs to have access to update and maintain the coastal program site.

**PROGRAM SUGGESTION: The NHCP should continue its efforts to maintain and increase program visibility through its outreach and other activities. Such efforts could investigate new or different mechanisms to produce and print hard copy documents and materials that are made available to the public and need to continue to be distributed in that format (including ways to continue paper production of *Tidelines*) and could produce a shorter, more frequently published electronic newsletter. The NHCP should have a direct link from the OEP website to provide and maintain program visibility.**

## **3. PLANNING COMMISSION INTERACTION**

The coastal program has provided funding for several years to the Strafford and Rockingham Planning Commissions so that the commissions can provide technical assistance to the local governments within the regions. Local government officials and staff are aware that the planning commissions are providing assistance to them, but it is not likely that the citizens within the municipalities are aware that the source of the funding is the NHCP. The NHCP should consider a requirement in the grant awards to the planning commissions and to local governments that press releases and news articles be published whenever a project or product is completed or a meeting or training session is held, and acknowledge the role the NHCP has played in the funding of the grant project.

Another point of discussion that arose during meetings with the planning commissions and local governments was that some of the local governments are not aware of what others are doing in terms of coastal projects. And although there is often information about coastal issues, coastal projects, and funding sources available to anyone, individual or government, finding that information can be time-consuming and overwhelming. One mechanism by which the NHCP can both play a role as information broker as well as increase its visibility with local governments and their citizens could be to work through the planning commissions to ‘host’ some sort of annual event (a grants or project conference or information exchange) whereby the recipients of planning commission technical assistance (funded by the NHCP) or of funding directly from the NHCP could provide presentations, fact sheets, or other forms of information about the work they have conducted or completed. Other local governments who may be looking for such information, ideas, or data could more easily be reached in this way. It is the evaluation team’s understanding that some variation on this event has been conducted in the past by the NHCP. This would also give the program a chance to be more visible, to make program information available, answer questions, and find out what the local governments need or want that the NHCP might be able to provide.

**PROGRAM SUGGESTION: With regard to program visibility and outreach as it relates to the planning commissions and coastal municipalities, the NHCP should consider contract requirements for press releases and news notes that acknowledge the role of NHCP in a funded project. The NHCP should also consider hosting or working with the regional commissions to host a conference, event, or information exchange about the grant work and projects being undertaken in the region, with grant recipients providing information about their ongoing or completed projects and the coastal program providing general and specific information, brochures, publications, etc.**

#### **4. FUNDING TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES**

As noted in the Accomplishments section (Item 9), the NHCP is providing funding to the DES Wetlands Division to support an additional enforcement staff position for wetlands monitoring, permit reviews, and enforcement investigations in the DES Portsmouth office. This action was in response to a Program Suggestion in the 2000 Evaluation Findings that noted the heavy enforcement workload of the existing staff. In addition to this newly funded position, the NHCP has provided and continues to provide funding for two other Portsmouth DES positions to

enforce wetlands permitting laws and regulations. All three of these positions conduct tasks that are important core functions of the DES and are an important part of the coastal management program.

In meetings with the DES staff during the evaluation site visit, there were questions about the possibility of additional NHCP funds in support of the three funded positions and the program elements and tasks they conduct. Such questions are understandable and appropriate. However, given the status of tight budgets and financial issues in almost all states and the federal government, the NHCP should carefully review and consider the amount of CZM funds it provides to the DES annually, particularly in the area of continuous staff and program support. This suggestion in no way implies that the NHCP should, or that NOAA would, deny such requests. Neither is there any indication at this time that future CZM funds to state coastal programs will be decreased. However, the NHCP should not find itself in the position of “funding source of last resort” to continually fund core DES tasks that the state is unwilling to fund or for which other federal funding sources have been cut. There are still concerns about the heavy permitting and monitoring workload of the DES Portsmouth staff; if DES began placing some Portsmouth staff on the state’s payroll, then NHCP funds could essentially be used to pay for additional DES staff, thus increasing the total number of Portsmouth DES staff.

**PROGRAM SUGGESTION: The NHCP should continually evaluate the CZM funds it annually awards to the Department of Environmental Services, particularly in the areas of basic staff and program support that the state of New Hampshire has an expectation or obligation to fund, regardless of DES’ role as a member of the networked coastal program.**

## VI. CONCLUSION

Based upon the recent evaluation of the NHCP, I find that the state of New Hampshire is adhering to its approved program and is making satisfactory progress in implementing the provisions of its approved coastal management program. The NHCP has made notable progress in the following areas: (1) Committed Coastal Leadership and Support; (2) Issue Integration and Program Coordination; (3) Financial and Technical Support to Local Governments; (4) Completion of Program Boundary Expansion Submission; (5) Full Approval of Coastal Nonpoint Pollution Control Program; (6) Completion of Incorporation of Statutory Amendments into Program as Routine Program Changes; (7) Successful Outreach Efforts; (8) Continued Leadership in the Dredge Management Task Force; (9) Provision of Additional Funding for Wetlands Enforcement; (10) Update of Grant Rule; and (11) Continued Success in Wetland and Marsh Restoration.

The evaluation team identified the following four areas where the NHCP could be strengthened or improved: (1) Critical Coastal Program Manager Position; (2) Program Visibility and Outreach; (3) Planning Commission Interaction; and (4) Funding to the Department of Environmental Services.

These evaluation finding contain four recommendations – one Necessary Action that is mandatory and three Program Suggestions that should be considered by the NHCP prior to the next §312 evaluation of the program.

This is a programmatic evaluation of the NHCP which may have implications regarding the state's financial assistance awards(s). However, it does not make any judgment about, or replace any financial audit(s) related to, the allowability or allocability of any costs incurred.

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Date

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Eldon Hout, Director  
Office of Ocean and Coastal  
Resource Management

**LIST OF PERSONS CONTACTED**

U.S. Senators

Honorable Judd Gregg  
Honorable John E. Sununu

U.S. Representatives

Honorable Charles F. Bass  
Honorable Jeb Bradley

Office of Energy and Planning

Mary Ann Manoogian, Director  
Jack Ruderman, Assistant Director  
Jim Taylor, Energy Grants Coordinator

Coastal Program

David Hartman, Manager  
Mary Power, Executive Secretary  
Verna DeLauer, Public Outreach and Education Specialist  
Ted Diers, Enhancement Grant Specialist and Restoration Coordinator  
Jen Drociak, Restoration Specialist  
Brian Mazerski, Coastal Consistency Coordinator  
Dave Murphy, Coastal Grants Coordinator  
Sally Soule, Coastal Nonpoint Pollution Control Program Coordinator

Department of Environmental Services

Mike Nolin, Commissioner  
Mike Walz, Deputy Commissioner  
Collis Adams, Wetlands Bureau  
Paul Currier, Watershed Management Bureau  
Eric Williams, Watershed Assistance  
Dori Wiggin, Wetlands Bureau, Coastal Supervisor  
Christina Altimari, Wetlands Bureau, Compliance Specialist  
David Price, Wetlands Bureau, Coastal Specialist  
Stephanie Larson, Wastewater Engineering Bureau

Great Bay National Estuarine Research Reserve

Kelle McKensie, Sandy Point Manager  
Steve Miller

New Hampshire Fish and Game Department

John Nelson, Chief of Marine Fisheries

Pease Development Authority

Michael Yeager, Project Coordinator  
Tracy Shattuck, Harbormaster (Division of Ports and Harbors)

Regional Planning Commission and Local Government Representatives

Cliff Sinnott, Director, Rockingham Planning Commission  
Glenn Greenwood, Assistant Director, Rockingham Planning Commission  
Bob Landman, North Hampton  
Ted Tocci, Hampton Falls  
Gwen English, Exeter Town Planner  
Sylvia von Aulock, Town of Exeter Planning Board  
George Olson, Exeter Town Manager  
Cindy Hayden, Portsmouth Community Development Director  
Peter Rice, Portsmouth Water/Sewer Engineer  
Donna Lane, Seabrook CDBG Grants Consultant

Sea Grant/University of New Hampshire Cooperative Extension

Frank Mitchell  
Amanda Stone

Great Bay Coast Watch

Ann S. Reid  
Candace Dolan  
Karen Diamond

Other Participants

Alan Ammann, Natural Resources Conservation Service  
Bob Campbell, Yankee Fish Coop Manager

**PERSONS ATTENDING THE PUBLIC MEETING**

The public meeting was held on Tuesday, September 23, 2003, at 7:00 p.m. at the New Hampshire Fish and Game Department, Region 3, Meeting Room, 225 Main Street, Durham, New Hampshire.

No one attended the public meeting.

## **WRITTEN COMMENTS RECEIVED AND RESPONSES**

Written comments were received from Ms. Gwen English, who is the chair of the Exeter Master Plan Steering Committee, and who met with the evaluation team during the site visit. She wished to reiterate in writing the importance and value of the funding that both the Rockingham Planning Commission and the town of Exeter have received from the NHCP. The technical assistance that such funding provided was a key to the success of the master plan project and she and the town were very appreciative that such assistance and funding were available.

RESPONSE: We concur that the NHCP has done an outstanding job in understanding the needs of the small towns and in providing both technical and financial assistance. See “Section 3 – Technical and Financial Support to Local Governments” under the “Accomplishments” chapter in this findings document.

## ROUTINE PROGRAM CHANGES

### New Hampshire Routine Program Changes approved by OCRM on January 22, 2003

#### Addition of Federally-Exempted Land

A portion of the former Pease Airbase (the Air National Guard section) that has remained under federal control is now appropriately included in the list of federal lands excluded lands.

<b><u>Statute</u></b>	<b><u>Title</u></b>
<b>Sections Added</b>	
RSA 21-O     Section 5-a	Department of Environmental Services (DES)
RSA 125-D    Sections 1, 2, 3, 4, 5, 6	Acid Rain Control Act - Air Resources Division - DES
RSA 143       Section 21-a	State Shellfish Sanitation and Distribution of Food - DES
RSA 147-A    Section 4	Sanitation - Department of Health and Human Services
RSA 206       Section 27	Fish, and Game Commission - Fish and Game Department
RSA 211       Sections 1-a, 7, 17-c, 64, 64-b, 76	Fish, Shellfish, Lobster, and Crabs - Fish and Game Department
RSA 227-J    Section 8-a	Timber Harvesting - Department of Resources and Economic Development
RSA 270-D    Sections 2-a, 2-b, 2-c, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20	Boating and Water Safety on NH Public Waters - Department of Safety
RSA 271-A    Section 21	NH State Port Authority
RSA 485       Sections 1, 28, 41	NH Safe Drinking Water Act - DES
RSA 485-A    Sections 5-c, 5-d	Water Pollution and Waste Disposal - DES
RSA 485-C    Sections 14-a, 21	Groundwater Protection Act - DES
RSA 487       Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14	Control of Marine Pollution and Aquatic Growth - DES
<b>Sections Amended</b>	
RSA 125-C    Sections 2, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16	Acid Rain Control Act - Air Resources Division - DES
RSA 146-A    Sections 3-a, 4 and 11-c	Oil Discharge or Spillage in Surface Water or Groundwater - DES
RSA 147       Section 4	Sanitation - Department of Health and Human Services
RSA 147-A    Section 14	Hazardous Waste Management - DES

RSA 162-C	Sections 1, 2	Council of Resources and Development - Office of State Planning
RSA 162-H	Sections 1, 2, 3, 4, 5, 10, 17	Energy Facility Evaluation, Siting, Construction, and Operation - NH Public Utilities Commission
RSA 206	Sections 10, 23, 26	Fish and Game Commission - Fish and Game Department
RSA 211	Sections 18, 34, 39, 49, 49-a, 49-aa, 49-b, 49-c, 53, 60, 61, 62, 62-e, 63-a, 66, 73, 75	Fish, Shellfish, Lobster and Crabs - Fish and Game Department
RSA 212-A	Section 13	Endangered Species Conservation Act - Fish and Game Department
RSA 214	Section 1-d	Licenses - Fish and Game Department
RSA 216-A	Section 3-i	Expansion of State Park System - Department of Resources and Economic Development
RSA 227-C	Section 5	Historic Preservation - Department of Cultural Resources
RSA 227-H	Sections 17, 21, 22, 23	Public Forest Lands: Management, Acquisition, and Lost Taxes - Department of Resources and Economic Development
RSA 227-J	Sections 5, 6, 8, 9, 15	Timber Harvesting - Department of Resources and Economic Development
RSA 227-L	Section 17	Woodland Fire Control - Department of Resources and Economic Development
RSA 233-A	Sections 2, 7, 11	Access to Public Waters - Fish and Game Department
RSA 271-A	Sections 3, 20	NH State Port Authority
RSA 430	Sections 31, 37, 43	Insect Pests and Plant Diseases - Department of Agriculture
RSA 431	Section 35	Soil Conditioners - Department of Agriculture
RSA 482-A	Sections 3, 4, 27	Fill and Dredge in Wetlands - DES
RSA 483	Sections 8, 8-a, 9, 9-a, 9-aa, 9-b	NH Rivers Management and Protection Program - DES
RSA 485	Sections 3, 4, 8, 16, 24, 27, 29, 30, 58	NH Safe Drinking Water Act - DES
RSA 485-A	Sections 2, 4, 6, 7, 7-c, 8, 11, 22	Water Pollution and Waste Disposal - DES
RSA 485-C	Sections 4, 20	Groundwater Protection Act - DES

## Sections Deleted

RSA 230	Section 63	State Highways - Department of Transportation
RSA 271	Section 4-a	NH State Port Authority
RSA 485	Section 7	NH Safe Drinking Water Act - DES

**New Hampshire Routine Program Change approved by OCRM on September 5, 2003**

<b><u>Statute</u></b>		<b><u>Title</u></b>
RSA 12-G	Sections 1, 2, 3, 39, 42, 43, 45, 46	Pease Development Authority
RSA 230	Section 13	Layout of Highway to Public Waters - Department of Transportation
RSA 21-O	Section 5-a	Wetlands Council - DES
RSA 79	Section 10	Forestry Management - Department of Resources and Economic Development
RSA 125-C	Sections 2, 4, 6	Air Pollution-Gasoline Additives - DES
RSA 146-A	Section 12	Oil Spillage in Public Waters - DES
RSA 162-C	Sections 1, 2	Council on Resources and Development - Office of State Planning
RSA 162-H	Section 3	Public Utilities-Siting Evaluation Committee - DES
RSA 211	Sections 19-a, 62-c, 64-b	Fish, Shellfish, Lobster and Crabs - Fish and Game Department
RSA 227-H	Section 5	Public Forest Lands - Department of Resources and Economic Development
RSA 270-D	Sections 2, 2-a, 2-b, 2-c, 10, 11, 13, 14, 17, 19	Boating and Water Safety - Department of Safety
RSA 430	Section 31-b	Pesticide Training Program - Department of Agriculture
RSA 482-A	Sections 2, 3, 11, 26	Dwellings over Public Waters - DES
RSA 483	Section 15	Isinglass River Protection - DES
RSA 483-B	Sections 1, 4, 6, 9, 11, 12, 17, 18, 19, 20	Shoreland Protection Act - DES
RSA 485	Sections 4, 24, 41	Safe Drinking Water Act - DES
RSA 485-A	Sections 4, 6, 30	Water Pollution and Waste Disposal - DES
RSA 674	Section 36	Local Land Use Planning - General Court

**Section Deleted**

RSA 271-A	Sections 2-4, 13, 20-21	NH State Port Authority
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This Routine Program Change also approved the re-wording of NHCP Policy 13 dealing with Coastal Dependent Uses.